

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Isabelle Blundell on November 9, 2009.

In claim 15, line 1, delete "Method" and replace with --A method--

In claim 15, line 3, add --"–" (dash)-- between "N" and "(5-adamantane-1yl-methoxy-pentyl)deoxynojirimycin".

In claim 17, line 1, delete "Method" and replace with --A method--

In claim 17, line 3, add --"–" (dash)-- between "N" and "(5-adamantane-1yl-methoxy-pentyl)deoxynojirimycin".

Cancel claims 12-13 and 16.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The claims of the instant application are drawn to a method of treatment of an individual suffering from insulin resistance, overweight or obesity, comprising administering an effective amount of a composition comprising N-(5-adamantane-1yl-methoxy-pentyl)deoxynojirimycin.

The closest prior art of US patent 6,177,447 teaches the use of the same compound for Gaucher disease, which results from the accumulation of glycosphingolipids in the lysosomes of macrophages. However, the '447 patent is devoid of any teaching, suggestion or guidance to the use of the same compound for treating insulin resistance, overweight or obesity. A person skilled in the art would not make any connection between these diseases and Gaucher disease based on the teachings of the '447 patent and there is no prior recognizing the connection thereof.

Thus, the method of the instant invention are both novel and unobvious over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

Claims 15 and 17 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BONG-SOOK BAEK whose telephone number is 571-270-5863. The examiner can normally be reached 8:00-5:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on 571-272-071818. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 1614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian-Yong S Kwon/
Primary Examiner, Art Unit 1614
Bbs

BONG-SOOK BAEK
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